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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PRESTON BERMAN,

Plaintiff,

v.

CHRISTINE KOTEK, in her official capacity
as GOVERNOR of the STATE of OREGON;
ELLEN ROSENBLUM, in her official
capacity as ATTORNEY GENERAL for the
STATE of OREGON; DAVE BADEN, in his
official capacity as Interim DIRECTOR for the
OREGON HEALTH AUTHORITY; ALISON
BORT, in her official capacity as
EXECUTIVE DIRECTOR, of the OREGON
PSYCHIATRIC SECURITY REVIEW
BOARD; DOLORES MATTEUCCI, in her
official capacity as SUPERINTENDENT of
OREGON STATE HOSPITAL; STEVE
GUNNELS, in his official capacity as the
DISTRICT ATTORNEY for DESCHUTES
COUNTY, OREGON,

Defendants.

Case No. 6:23-cv-01497-AA

DEFENDANTS' MOTION TO CANCEL
DEADLINES AND ALTERNATIVE
MOTION FOR 6-MONTH EXTENSION OF
TIME OF DISCOVERY AND PRETRIAL
ORDER DEADLINES

LR 7-1 CERTIFICATE

Pursuant to Local Rule 7-1, the parties certify that they conferred in good faith on the relief sought in this motion. Counsel for Plaintiff states that he does not object to the requested relief.

MOTION TO CANCEL DISCOVERY AND PRETRIAL SCHEDULING ORDER

State Defendants respectfully request that the dates set forth in the Discovery and Pretrial Scheduling Order (Dkt. #2) be canceled pending resolution of Defendants' Motion to Dismiss (Dkt. #14). The current deadlines are as follows: "Discovery is to be completed by 2/9/2024. Joint Alternative Dispute Resolution Report is due by 3/11/2024. Pretrial Order is due by 3/11/2024." (Dkt. #2).

Defendants assert, and Plaintiff agrees, that current deadlines are impractical given the ongoing briefing and unsettled issues related to Defendants' Motion to Dismiss.

ALTERNATIVE MOTION FOR EXTENSION OF TIME

In the alternative, State Defendants respectfully request that the dates set forth in the Discovery and Pretrial Scheduling Order (Dkt. #2) be extended by 6 months to allow for Defendants' Motion to Dismiss to be decided by the Court and for discovery to begin following resolution of the motion.

Defendants assert, and Plaintiff agrees, that current deadlines are impractical given the ongoing briefing and unsettled issues related to Defendants' Motion to Dismiss and should the deadlines not be canceled, a 6-month extension is a reasonable alternative.

CONCLUSION

For these reasons, Defendants respectfully request that this Court cancel the dates set forth in the Discovery and Pretrial Scheduling Order (Dkt. #2) or to allow a 6-month extension of time.

DATED February 8, 2024.

Respectfully submitted,

ELLEN F. ROSENBLUM
Attorney General

s/ Craig M. Johnson

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CERTIFICATE OF SERVICE

I certify that on February 8, 2024, I served the foregoing DEFENDANTS' MOTION TO CANCEL DEADLINES AND ALTERNATIVE MOTION FOR 6-MONTH EXTENSION OF TIME OF DISCOVERY AND PRETRIAL ORDER DEADLINES upon the parties hereto by the method indicated below, and addressed to the following:

Robert R. Parker
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Portland, OR 97204
Attorney for Plaintiff

☐ HAND DELIVERY
☐ MAIL DELIVERY
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)
☐ E-MAIL
☒ E-SERVE

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